

Claim 37, drawn to an agonist antibody that binds a MuSK receptor;
Claims 38-40 and 42, drawn to a method of activating a receptor using a single chain antibody;

Claim 41, drawn to a method of treatment using an anti-MuSK receptor antibody.

Further, the Examiner has required an election of species 12E10, 12B5, 10F6, 12D5, Ab1, Ab2, Ab3, Ab4, Ab5, or Ab6 if Group I is elected.

Thus, the 41 claims pending in this application have been separated into 7 separate groups. Applicants elect, with traverse Group I, Claims 1-19, species 12D5 for examination purposes only.

Applicants respectfully traverse on the grounds that the claims are to a certain extent coextensive, and if not coextensive, interrelated so as to require examination in a single application.

For example, under restriction practice, Groups I-IV should be drawn to the same group since Groups II-IV rely, at least in part, on the antibodies of Group I for patentability. Further, due to the reliance of Groups II-IV to the subject matter of Group I, none of Groups II-IV can be used for purposes not associated with the subject matter of Group I. Thus, Applicants submit that the Examiner should at least examine the claims of Groups I-IV, namely Claims 1-36.

Moreover, Applicants submit that examination of all of the claims would not pose an undue burden on the Examiner. Section 803 of The Manual of Patent Examining Procedure states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examiner it on the merits, even though it includes claims to independent or distinct inventions.” As stated above, Groups I-IV should be drawn to the same group. Groups V, VI, and VII are classified in the same classes as the claims of Groups I-IV. Therefore, Applicants submit that it would not pose an undue burden on the Examiner to examine

all of the claims pending in this application.

In view of the above, the restriction is believed to be improper and Applicants respectfully request that the restriction be reconsidered and withdrawn, or at least modified such that at least the claims of Groups I-IV (i.e., Claims 1-36) are examined in one application.

Applicants submit that the application is now in condition for examination on the merits.

Early notification of such action is earnestly solicited.



Respectfully submitted,

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